



**MILPITAS CITY COUNCIL MEETING AGENDA
JUNE 6, 2006**

**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)
455 E. CALAVERAS BOULEVARD**

SUMMARY OF CONTENTS

I. ROLL CALL (6:00 p.m.)

II. ADJOURN TO CLOSED SESSION

(1) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Pursuant to California Government Code Section 54956.8)

Property APN#086-02-086

Persons Negotiating: Redevelopment Agency of the City of Milpitas (Diana Whitecar and Tom Williams) and Piercey Toyota Automotive Group (Kai Giffin)

Under Negotiation: Terms for Option, Sale or Lease of Property

(2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Subdivision (b) of California Government Code Section 54956.9)

One Case, City as Defendant

(3) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to California Government Code Section 54956.9(a))

City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court

Case No. 103CV815946 Consolidated with Case No. 103CV008400

(4) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Pursuant to California Government Code Section 54956.9(a))

City of Milpitas v. City of San Jose, Case No. CV046013, Santa Clara County Superior Court

III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Government Code §54957.1, including the vote on abstention of each member present

IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)

V. INVOCATION (Councilmember Livengood)

VI. APPROVAL OF MINUTES (May 9 and May 16, 2006)

VII. SCHEDULE OF MEETINGS

VIII. PRESENTATION

Certificates of Appreciation:

- Food Donor Certificates for the May 11, 2006 Joint City/School District Evacuation and Mass Feeding Exercise at Rancho Middle School

IX. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

X. ANNOUNCEMENTS

XI. ANNOUNCEMENT OF CONFLICT OF INTEREST

XII. APPROVAL OF AGENDA

XIII. CONSENT CALENDAR (Items with Asterisks)

XIV. PUBLIC HEARING

- 1. Approve "S" Zone Approval No. SZ2005-12 To Develop A 1.68 Acre Parcel With A New 5,994 Square Foot Single Family Residence, Detached Second Family Unit, And Various Site Amenities Including Forty-Three (43) 24 Inch Box Trees, In Ground Pool, And Spa Located At 1000 Piedmont Road (APN 088-44-099), Zoned Single Family Residential - Hillside (R1-H) Applicant: John Ha (Staff Contact: Cindy Hom, 586-3284)**

XV. UNFINISHED BUSINESS (NONE)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (May 9 and May 16, 2006)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library and East Parking Garage, and Take Related Actions, Projects No. 8162 and No. 8161 (Staff Contact: Mark Rogge, 586-3403)

***RA6. Final Acceptance of ohe 2006-07 Operating Budget And Capital Improvement Program (Staff Contact: Emma Karlen, 586-3145)**

***RA7. Adopt Resolution Granting Initial Acceptance: North Main Street Hazardous Materials Remediation and Demolition Project No. 8154 (Staff Contact: Mark Rogge, 586-3403)**

***RA8. Authorize the City Manager to Execute an Agreement Amendment No. 1 with Chong Partners Architecture, Midtown East Parking Garage, Project No. 8161 (Staff Contact: Steve Erickson, 586-3414)**

***RA9. Approval of Agreement with Keyser Marston Associates, Inc., in an amount not to exceed \$107,105 for professional services related to merger of Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area (Staff Contact: Diana Whitecar, 586-3059)**

RA10. Agency Adjournment

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- * 2. Approve Mayor's Recommendations for Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)
- * 3. Approve Recommendation from the Facilities Naming Subcommittee to Approve Street Names and Revise the Potential Streets Names List (Staff Contact: Mark Rogge, 586-3403)
- * 4. Approve Draft Memorandum of Understanding to Continue Sister City Relationship with Huizhou City, China (Staff Contact: Cindy Maxwell, 586-3287)

XVIII. NEW BUSINESS

- * 5. Determination of the Average Fair Market Value of an Acre of Land in the City of Milpitas (Staff Contact: Dennis Carrington, 586-3275)
- * 6. Receive Update on the 4th of July Events (Staff Contact: Bonnie Greiner, 586-3227)

XIX. ORDINANCE

- * 7. Waive Second Reading and Adopt Ordinance No. 197.9 Amending Section 1.00 of Chapter 3, Title VI of the Milpitas Municipal Code related to City Departments (Staff Contact: Emma Karlen, 586-3145)

XX. RESOLUTIONS

- * 8. Adopt Two Resolutions Relating to the General Municipal Election on November 7, 2006 (Staff Contact: Mary Lavelle, 586-3001)
- * 9. Adopt Resolution Certifying and Annexing Tract 9773 to Community Facilities District No. 2005-1, Project No. 3178 (Staff Contact: Mehdi Khaila, 586-3328)
- * 10. Adopt Resolution Summarily Vacating an Unnecessary Portion of So. Main Street for Roadway and Public Service Utility Easement Purposes (Staff Contact: Mehdi Khaila, 586-3328)
- * 11. Adopt Resolution Granting Initial Acceptance: Reservoir Evaluation & Upgrade, Project No. 7091 (Staff Contact: Andrew Brozyna, 586-3315)
- * 12. Adopt Resolution Granting Final Acceptance: Silicon Valley Intelligent Transportation System (ITS) Fremont-Milpitas Project, Project No. 4219 (Staff Contact: Greg Armendariz, 586-3317)
- * 13. Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminary Approval of the Annual Engineer's Report and Providing for Notice of Public Hearing: Landscaping and Lighting Maintenance Assessment District No 98-1, Sinclair Horizon, Project No. 9489 (Staff Contact: Mehdi Khaila, 586-3328)
- * 14. Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminary Approval of the Annual Engineer's Report and Providing for Notice of Public Hearing: Landscaping and Lighting Maintenance Assessment District No 95-1, McCarthy Ranch, Project No. 9474 (Staff Contact: Mehdi Khaila, 586-3328)
- * 15. Adopt Resolution Granting Initial Acceptance: Avatamsaka Buddhist Lotus Society Project No. 3120 (Staff Contact: Mehdi Khaila, 586-3228)
- * 16. Adopt A Resolution To Release Unclaimed Checks Per Standard Operating Procedure (Staff Contact: Dante Ong, 586 -3132)

XXI. BIDS AND CONTRACTS

- * 17. Reject Bids and Authorize the Re-Advertisement for bid Proposals: Sewer Deficiency and Structural Correction Program – Open Cut, Project No. 6073 (Staff Contact: Doug DeVries, 586-3313)**
- * 18. Award the Bid for the South Main Street Plan Line Study to DKS Associates (Staff Contact: Chris Schroeder, 586-3161)**
- * 19. Approve the Agreement with Pyro Spectaculars for the Annual 4th of July Fireworks Display (Staff Contact: Chris Schroeder, 586-3161)**
- * 20. Award the Bid for Pedestrian Countdown Signals to Western Pacific Signal, LLC (Staff Contact: Chris Schroeder, 586-3161)**
- * 21. Approve the Agreement with Kimley-Horn & Associates, Inc. for “On Call” Traffic Engineering Services (Staff Contact: Chris Schroeder, 586-3161)**
- * 22. Authorize City Manager to Execute Three-Year Contract Agreement with the City of San Jose Animal Control Services for the City of Milpitas (Staff Contact: Felix Reliford, 586-3071)**
- * 23. Authorize City Manager to Execute Contract Agreement with Wildlife Center of Silicon Valley for Animal Control Services (Staff Contact: Felix Reliford, 586-3071)**
- * 24. Approve Subdivision Improvement Agreement, Final Map and Public Improvement Plans For Centria, Tract No. 9773, Project No. 3178 (Staff Contact: Mehdi Khaila, 586-3328)**

XXII. CLAIMS AND DEMANDS

- * 25. Approve Payment Requests to Two Vendors (Staff Contact: Chris Schroeder, 586-3161)**

XXIII. ADJOURNMENT

**SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 13, 2006 AT 6:00 P.M.**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 20, 2006 AT 7:00 P.M.**

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN

GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE,

CONTACT THE OPEN GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: rpioroda@ci.milpitas.ca.gov / Fax: 408-586-3030 / Phone: 408-586-3040

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov, select Open Government Ordinance under News Features.

BECOME A CITY COMMISSIONER!

Currently, there are openings on the following Commissions:

Community Advisory Commission

Economic Development Commission (hotel rep.)

Planning Commission (alternate)

Mobile Home Park Rental Review Board (alternate)

Applications are available online at www.ci.milpitas.ca.gov or outside the City Council Chambers. Contact the City Clerk's Office (586-3003) for information.

AGENDA REPORTS

IX. PRESENTATION

Certificates of Appreciation:

- Food Donor Certificates for the May 11, 2006 Joint City/School District Evacuation and Mass Feeding Exercise at Rancho Middle School

Albertson's, 25 N. Milpitas Blvd.
Burger King, 175 W. Calaveras Blvd.
Burger King, 1475 Dempsey Rd.
Crowne Plaza-Pasta's 777 Bellew Dr.
Carl's Jr., 120 W. Calaveras Blvd.
Chili's, 300 W. Calaveras Blvd.
Dominos, 55 Dempsey Road
Embassy Suites 901 E. Calaveras Blvd
Flames, 1191 E. Calaveras
Fresh Choice, 248 Great Mall Drive
Georgio's, 643 E. Calaveras Blvd.
Kentucky Fried Chicken, 73 S. Main St.
Koong's Restaurant, 103 N. Milpitas Blvd
Lee's Sandwiches, 273 W. Calaveras Blvd.
LSI Logic, 1621 Barber Lane

Lyon's, 765 E. Calaveras Blvd.
Marie Calendars, 333 S. Abbott Ave.
McDonald's, 1249 Great Mall Dr.
McDonald's, 99 N. Milpitas Blvd.
McDonald's 1854 N. Milpitas Blvd.
Noah's Bagel, 124 N. Milpitas Blvd.
Nob Hill Foods, 401 Jacklin Road
Save-Mart 215 W. Calaveras Blvd.
Taco Bell, 1774 S. Main Street
Taco Bell, 1365 S. Park Victoria Dr.
Taco Bell, 821 Ranch Dr.
Togo's, 3076 Landess Ave.

XIV. PUBLIC HEARING

1. **Approve "S" Zone Approval No. SZ2005-12 To Develop A 1.68 Acre Parcel With A New 5,994 Square Foot Single Family Residence, Detached Second Family Unit, And Various Site Amenities Including Forty-Three (43) 24 Inch Box Trees, In Ground Pool, And Spa Located At 1000 Piedmont Road (APN 088-44-099), Zoned Single Family Residential - Hillside (R1-H) Applicant: John Ha (Staff Contact: Cindy Hom, 586-3284)**

Background: On May 10, 2006, the Planning Commission recommended approval to the City Council for the construction of a 5,994 square foot single family residence, an 809 square foot detached second family unit, and various site amenities including a meandering retaining wall, 5 foot decorative iron openwork type fence, and various landscaping.

The subject site is a 1.68-acre triangular shape parcel that is located at the base of the Milpitas foothills, approximately 6,000 feet from the perceived Crestline. The applicant is proposing a single story dwelling characterized with a concrete gray-brown slate tile roof, stucco covered walls painted with muted earth tone colors, architectural treatments including decorative stacked stone, accent tile elements, and multi-paned windows.

Major Visual Gateway and Scenic Corridor: The General Plan identifies the project site as a major visual gateway and within the scenic corridor. Properties within the scenic corridor are subject to specific design requirements and height restrictions. As proposed, the project complies with the General Plan requirements for new development by maintaining the 17 foot height limit, utilizing building colors and materials that are harmonious and complements the natural hillside setting, and proposes landscaping that will help frame and enhance views.

Geological and Geotechnical: The project site is located within the Alquist Priolo Special Study zone, which requires a geological and geotechnical study. A geological and geotechnical report was prepared to identify any significant seismic fault and/or slope instability hazards. Based on the geological and geotechnical report dated September 11, 2005, the project site is located next to the Crosley Fault and within proximity of the Berryessa Landslide Complex. As a condition of

approval, the applicant shall incorporate the design recommendations and construction considerations into the project to minimize potential hazards.

Other Improvements: The project is within the Urban Growth Boundary and shall be connected to city services for water, sewer, and storm water. As required by the City's Subdivision Ordinance, the applicant will install necessary public improvements along Piedmont Road, including curb, gutter, pavement, sidewalks, streetlights, and fire hydrant.

Recommendation: Approve "S" Zone Approval No. SA2005-12, subject to the Findings and Special Conditions.

XV. UNFINISHED BUSINESS (NONE)

XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1. Call to Order by the Mayor/Chair

RA2. Roll Call

RA3. Approval of Minutes (May 9 and May 16, 2006)

RA4. Approval of Agenda and Consent Calendar

RA5. Receive Progress Report on Library and East Parking Garage, and Take Related Actions, Projects No. 8162 and No. 8161 (Staff Contact: Mark Rogge, 586-3403)

Background: The Library Subcommittee met on May 23 and heard a progress report on the Library and Parking Garage. The Library architect, Group 4 Architecture, is preparing the 95% construction documents to submit for Building Permit review. The Parking Garage architect, Chong Partners, is completing the 100% construction documents, which are being prepared for issuance to contractors for monetary bids. Preliminary site preparation work is also in progress. Staff will provide a brief presentation on the progress of these projects.

A request for pre-qualification proposals for the parking garage was advertised, sent to prospective contractors and several bidding services. Five proposals were received on May 23. After review of the proposals City staff and Critical Solutions Inc. found that each contractor on the list met the pre-qualification criteria indicating experience, and wherewithal to construct the garage. The recommended List of Bidders for the Milpitas Parking Garage is attached. A hearing will be scheduled at the June 20 City Council/Agency meeting to hear appeals, if any. If a contractor is found to be ineligible, they will be notified and given 10 days to file an appeal. Until an appeal is heard and sustained, the contractor would be treated as if they are on the list. However, if the Contractor does not prevail with their appeal, the City/Agency will not accept a bid from them.

The final bid package will be issued to bidders on the approved Bidders List and made available to any other subcontractors and interested parties. Two pre-bid meetings are scheduled in June. Bids will be opened in July. In order to save time staff is requesting that the City Manager/ Agency Director be given authority to award and execute the construction contract to the lowest responsible bidder if that bid is within the Cost Plan, and no more than 10% above the architects estimate. The bid results will be reported at the August 1st City Council meeting.

The Cost Plan of \$12.5 Million was established during the conceptual design phase and approved by the City Council on August 2, 2005, along with a conceptual approval to complete the project funding by adding \$3 million from Transit Occupancy Tax (TOT) or another fund source. Staff suggested that this appropriation could be requested at the time of bidding. Staff recommends approving the appropriation now, so that sufficient funds are in the project at the time of award.

Recommendation:

1. Approve the Bidders List for the Milpitas Parking Garage, and set the date of June 20th to hear appeals, if any.
2. Appropriate \$3 million from the Transit Occupancy Tax to the Midtown East Parking Garage, Project No. 8161.
3. Authorize the City Manager/Agency Director to award and execute the construction contract for the garage to the lowest responsible bidder, within the Cost Plan, subject to review by the City Attorney.
4. Receive the oral progress report on the Library and Midtown East Parking Garage.

***RA6. Final Acceptance of the 2006-2007 Operating Budget And Capital Improvement Program (Staff Contact: Emma Karlen, 586-3145)**

Background: During the May 9, 2006 Budget Public Hearing, the City Council conceptually approved the City/Agency Proposed FY 2006-07 Annual Budget. On May 16, 2006, the Council also conceptually approved the FY 2006-07 Capital Improvement Program (CIP) Budget and the Five Year Capital Improvement Program (2006-2011). Based on these actions, the attached Resolutions are submitted for the Council's approval of the Final 2006-07 Annual Budget totaling \$164,137,690.

The Final Operating Budget, CIP Budget and Five Year Capital Improvement Program will incorporate changes identified in the modification memo included in this packet. Given the revenue and expense information presented as part of the budget hearings and the related need to reduce expenses and in the interest of economy, in addition to the reduction of temporary positions, the proposed budget would include elimination of the part-time positions in the Police Department of Police Assistant and Property Clerk, in lieu of eliminating the Crime Analyst position in the Police Department, which would be retained and funded for FY 2006-07. The published Final Budget Documents will be distributed to the City Council prior to the September 5, 2006 City Council meeting.

Recommendation: Adopt and approve the following:

1. A Resolution adopting the FY 2006-07 Appropriations Limit of \$56,673,996 for the City of Milpitas.
2. A Joint Resolution of the City and Redevelopment Agency approving the City's Final FY 2006-07 Budget of \$164,137,690, as modified to a) eliminate the part-time positions in the Police Department of Police Assistant and Property Clerk and b) retain the position of Crime Analyst.
3. A Joint Resolution of the Milpitas Redevelopment Agency and the City of Milpitas making findings following a Public Hearing for use of Redevelopment funds.
4. A Resolution of the Milpitas Redevelopment Agency authorizing payments to the City of Milpitas pursuant to the Second Amended and Restated Public Works Agreement.
5. A Resolution of the Milpitas Redevelopment Agency determining that the planning and administration expenses to be funded in FY 2006-07 by the Housing Reserve Fund are necessary for the production, improvement and/or preservation of affordable housing for the low and moderate-income households.
6. The FY 2006-07 Capital Improvement Budget of \$54,651,294.
7. The Five-year Capital Improvement Program for the Fiscal Years 2006-07 through 2010-11 of \$97,816,294.

***RA7. Adopt Resolution Granting Initial Acceptance: North Main Street Hazardous Materials Remediation and Demolition Project No. 8154 (Staff Contact: Mark Rogge, 586-3403)**

Background: This project removed five buildings from the North Main Street area, abated various hazardous conditions and materials from the sites and from the Historical Grammar School building, and completed selected demolition at the Historical Grammar School Building.

The City Council awarded the project to HSR Incorporated on December 6, 2005. The contractor has completed the project work, and final inspection was performed in May 2006. Therefore, an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$29,483, which is 10% of the contract amount.

Recommendation: Adopt Resolution granting initial acceptance of Project No. 8154, subject to the one-year warranty period and reduction of the faithful performance bond to \$29,483.

***RA8. Authorize the City Manager to Execute an Agreement Amendment No. 1 with Chong Partners Architecture, Midtown East Parking Garage, Project No. 8161 (Staff Contact: Steve Erickson, 586-3414)**

Background: This project is included in the current five-year Capital Improvement Program (CIP), and provides for the design and construction of the new Midtown east parking garage located on the east side of Main Street next to the proposed new library.

Council approved an agreement with Chong Partners Architecture on April 5, 2005 to provide the design and architectural services for the garage. At the time staff recommended deferring the construction services portion, until plans were prepared. This way the construction services amendment refers directly to the plans, specifications, and required submittals. The project has been advertised for pre-qualification proposals from prospective contractors. Chong Partners is currently completing the construction documents phase in preparation to issue the plans for monetary bid proposals.

Staff recommends that the agreement with Chong Partners Architecture be amended to allow Chong Partners to provide needed construction services for the project. The scope of construction services includes review and action on contractor construction submittals, shop drawings, and requests for information; participation in construction review meetings; providing record drawings at the completion of the project; and associated work. Staff has negotiated a scope of services and fee for this amendment not to exceed \$384,000, which is considered reasonable for the work. This amount is already included in the garage cost plan, and within the amount anticipated in the agreement to be added as an amendment. The current project budget is sufficient to fund this amendment.

Recommendation: Authorize the City Manager/Agency Director to execute the agreement amendment with Chong Partners Architecture for an amount not to exceed \$384,000, for the construction services needed for the construction of the Midtown East Parking Garage, Project No. 8161.

***RA9. Approval of Agreement with Keyser Marston Associates, Inc., in an amount not to exceed \$107,105 for professional services related to merger of Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area (Staff Contact: Diana Whitecar, 586-3059)**

Background: On August 2, 2005 the City Council authorized the City Manger to identify a consultant to assist with the plan amendment and to bring back a negotiated contract for Redevelopment Agency approval once a consultant was selected. Staff issued a Request for Proposal for consultant services earlier this year and held interviews with the three respondents. Of the three, Keyser Marston Associates, Inc., presented a team that could perform the work required to merge the two local redevelopment areas in the most efficient and cost effective scenario.

A redevelopment plan amendment is required so that businesses located within both the Great Mall and Project Area No. 1 project areas can utilize new and existing highway signage. The first user, Piercey Toyota, will locate and construct the signs as part of the Piercey Toyota dealership. Specific sites have not been selected at this time, but it is likely that the two existing Great Mall highway signs will be modified and updated to include information about the Great Mall and the Toyota dealership. In addition, Piercey representatives are working to identify other locations

along highways I-680 and I-880 to advertise the dealership. As the redevelopment project areas will be merged, these new and reconstructed signs will also have the capacity to serve other businesses within both project areas.

The plan amendment also creates the opportunity for additional local street directional signage for project area businesses once customers exit the highways. New directional signs located along Calaveras Boulevard and other streets would provide ease of access to the Great Mall, Main Street businesses and other business centers, once customers exit the freeways.

As part of the creation of the new signs, staff will investigate the formation of a business sign improvement district. Other cities have used this tool to provide a mechanism for funding design and installation of the signs, as well as maintenance of freeway and surface street directional signs.

As agreed to at the August 2, 2005 meeting, Piercey Toyota will reimburse the Agency for the cost of the plan amendment consultant and City Attorney fees estimated at \$20,000. Since funding for this consultant was not included in the FY 2005-06 Economic Development budget, staff also requests an appropriation of \$127,105 from the Redevelopment Agency Project Fund to Economic Development operating budget. Reimbursements from Piercey Toyota will be deposited into the Agency Project Fund.

Recommendation: Approve the agreement with Keyser Marston Associates in an amount not to exceed \$107,105.00 for professional services related to a redevelopment plan amendment to merge the Great Mall Project Area and Project Area No. 1 and appropriation of \$127,105 from the Redevelopment Agency Project Fund to the Economic Development operating budget.

RA10. Agency Adjournment

XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES

City Council

- * 2. **Approve Mayor's Recommendations for Appointments to City Commissions (Contact: Mayor Esteves, 586-3029)**

Background: Mayor Esteves recommends the following Milpitas residents be re-appointed to the Commissions as noted below.

Library Advisory Commission:

Re-appoint Lynne Estandarte to a term that expires in June 2008.

Re-appoint Margie Stephens to a term that expires in June 2008.

Re-appoint Trinidad Aoalin to a term that expires in June 2008.

Parks, Recreation and Cultural Resources Commission

Re-appoint Gurdev Dave Sandhu as Alternate #1 to a term that expires June 2008.

Recycling and Source Reduction Advisory Commission

Appoint John Cimino as Alternate #2 to a term that expires October 2006.

Recommendation: Move to approve the Mayor's recommended Commission appointments.

- * 3. **Approve Recommendation from the Facilities Naming Subcommittee to Approve Street Names and Revise the Potential Streets Names List (Staff Contact: Mark Rogge, 586-3403)**

Background: On May 17 the Facilities Naming Subcommittee reviewed a request to name three new streets within "The Paragon" project by D.R. Horton, and a request to add a name to the list

of potential street names. The requests were made and reviewed in conformance with the newly adopted City Standard Operating Procedure No. 1.3.

D.R. Horton selected the names from the City's Potential Streets Names List, and recommended: Bettencourt Way, Snell Place, and Ede Lane. The Subcommittee concurred with the use of these names. A sketch from the developer is included in the Council packet.

Ms. Betty L. McDermott submitted a request on the "City Streets, Parks, and Facilities Naming Suggestion Form" nominating John A. McDermott. A copy of the nomination is included in the Council packet.

Mr. McDermott served in the US Navy in both WWII and Korea, earning several honors and decorations. Mr. McDermott also served on the Milpitas City Council from 1962 to 1968, as well as the City Water Board and Transportation Board. Mr. McDermott was born in 1921 and passed away in 2002. The Subcommittee recommended that Mr. McDermott's name be added to the list of potential streets names.

Recommendation:

1. Approve the names Bettencourt Way, Snell Place and Ede Lane for new streets within "The Paragon" development by D.R. Horton, subject to review by the City and County Emergency Dispatch, and normal City approvals of the development other than street naming.
 2. Approve adding John A. McDermott's name to the Potential Streets Names List.
- * 4. **Approve Draft Memorandum of Understanding to Continue Sister City Relationship with Huizhou City, China (Staff Contact: Cindy Maxwell, 586-3287)**

Background: The Memorandum of Understanding establishing a Sister City relationship between the City of Milpitas and Huizhou City was executed in April 2004 for a two-year term. On April 27, 2006, the Sister City Commission recommended that a new Memorandum of Understanding (MOU) be prepared so the Sister City relationship with Huizhou may continue.

Delegates from Huizhou City visited in October 2004 and 2005. A Milpitas delegation visited Huizhou City in April 2005. A 2006 visit from Milpitas was recently canceled due to a lack of applications.

The MOU proposes one annual cultural exchange to each city and the expectation that visit details are cooperatively agreed upon prior to conducting cultural exchanges.

Recommendation: Approve the draft Memorandum of Understanding continuing a Sister City relationship with Huizhou City, China.

XVIII. NEW BUSINESS

- * 5. **Determination of the Average Fair Market Value of an Acre of Land in the City of Milpitas (Staff Contact: Dennis Carrington, 586-3275)**

Background: The City of Milpitas amended its Municipal Code in April of 2002 to revise the manner in which the land required to be dedicated for public park and recreational purposes, or the payment of an in-lieu fee, is calculated. Developments in the Midtown Specific Plan are required to provide 3.5 acres of recreational facilities for each 1000 people. Developments in the remainder of the City are required to provide 5.0 acres of recreational facilities for each 1000 people. Where a fee is required to be paid in lieu of land dedication, the amount of the fee must be based upon the fair market value of the amount of land, which would otherwise be required to be dedicated. Fair market value must be determined at the time of filing of a final map.

Fair market value is to be determined by the City Council on a fiscal year basis and must reflect the fair market value for an acre of land in the City. The fair market value approved by the City Council will be in effect throughout the fiscal year and must be applied to the calculation of all park in-lieu fees at the time of the tentative subdivision map approval. The City Council may adjust the fair market value determination for an acre of land in the City to more accurately reflect the actual real estate market conditions; or the City and the subdivider may agree as to the market value.

On February 2, 2003, the City entered into a contract with the land appraisal firm of Smith & Associates to determine the fair market value of a hypothetical one-acre parcel of land in the City of Milpitas on an annual basis. In addition to this pending year, two other determinations of fair market value have been made. These values are as follows:

<u>DATE</u>	<u>COST PER SQ. FOOT</u>	<u>COST PER ACRE</u>
06/23/2003	\$30.00	\$1,306,800
11/22/2004	\$35.50	\$1,546,380
02/16/2006 (Pending)	\$50.50	\$2,199,780

The previous evaluations by Smith and Associates of fair market value in June 2003 and November 2004 were not brought to the City Council for adoption. It is necessary that a fair market value of an acre of land in the City be established in order to calculate in-lieu fees for the dedication of land for recreational purposes.

Recommendation: Adopt the fair market value of an acre of \$2,199,780 (or make such other determination of that value).

* 6. **Receive Update on the 4th of July Events (Staff Contact: Bonnie Greiner, 586-3227)**

Background: The 4th of July events are scheduled for Tuesday, July 4, 2006. The event schedule consists of a parade starting at 11:00 am on Main Street, however, with a reversed route and with the parade beginning at Main Street and Carlo and ending at Curtis and Main Street, followed by a pool party at the Milpitas Sports Center from 1:00-5:00 pm. To conclude the day's events, the Red, White and BOOM fireworks show at the Milpitas Sports Center will take place with gates opening at 7:30 pm. Local band "The Silicon Valley Houserockers" be perform from 8:00-9:15 pm, followed by the fireworks show at 9:30 pm

Marketing Efforts:

Staff has mailed out Parade Applications to all previous parade participants and those on the interested mailing list. Staff also placed paid advertisements in the Milpitas Post requesting the community's participation in the parade. In addition to the paid advertisements, staff also displayed the parade opportunity on the City's website, Channel 15 and flyers in all City facilities including the library. To date, the City only received 14 entries with 100 participants.

Recommendation: Receive the staff report on Milpitas 4th of July activities scheduled.

XIX. ORDINANCE

* 7. **Waive Second Reading and Adopt Ordinance No. 197.9 Amending Section 1.00 of Chapter 3, Title VI of the Milpitas Municipal Code related to City Departments (Staff Contact: Emma Karlen, 586-3145)**

Background: Ordinance No. 197.9 was introduced at the May 16th City Council meeting. The proposed ordinance amends the City's Municipal Code to reflect the reorganization of Public Works and Engineering into one department.

Recommendation: Waive second reading and adopt Ordinance No. 197.9.

XX. RESOLUTIONS

- * 8 **Adopt Two Resolutions Relating to the General Municipal Election on November 7, 2006 (Staff Contact: Mary Lavelle, 586-3001)**

Background:

1. Milpitas Municipal Code Title I, Chapter 200 Section 1.00 provides for the municipal election to be held on the same day as the statewide General Election. The statewide General Election is scheduled for Tuesday, November 7, this year. A Resolution has been drafted calling for the municipal election on Tuesday, November 7, 2006, for the purpose of electing one Mayor and two members of the City Council. The resolution also requests consolidation of the Milpitas Municipal Election with the statewide General Election and requests the provision of the services of the Santa Clara County Registrar of Voters.
2. In June 1998, the City Council adopted Resolution No. 6778 relating to Candidates' Statements of Qualification printed in the sample ballot for Municipal Elections. This resolution sets forth the total number of words permitted in a Candidate's Statement (200) and that the candidate is responsible for the cost of printing and mailing the statement as well as the translation into minority languages.
3. Federal Voting Rights Act requirements as applied to Santa Clara County now mandate that election materials be made available in four minority languages - Chinese, Spanish, Tagalog and Vietnamese - in addition to English. A new Resolution for 2006 has been drafted to note this requirement.

Recommendation: Adopt two resolutions (1) calling a General Municipal Election on November 7, 2006, and requesting consolidation with the statewide election and (2) relating to the published candidates' statements of qualifications for Mayor and City Councilmembers in the municipal election.

- * 9. **Adopt Resolution Certifying and Annexing Tract 9773 to Community Facilities District No. 2005-1, Project No. 3178 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: Western Pacific Housing, Inc. (the owner of Tract 9773) is required to annex the subject property into the Community Facilities District 2005-1 (CFD 2005-1) as a condition of the tentative map approved by the Council on August 16, 2005. Resolution No. 7521 adopted by City Council on May 17, 2005 forming the CFD 2005-1, authorizes the City to annex properties to CFD 2005-1, which will be assessed only for eligible public services, without further public hearing or formal election upon receipt of written consent from the owners.

Western Pacific Housing, Inc. has given consent and approval that this property be annexed to CFD 2005-1. Western Pacific Housing, Inc. has also agreed that such consent and approval constitutes election to annex to CFD 2005-1 and approval of the authorization for the levy of the special tax on the subject properties.

Recommendation: Adopt Resolution certifying and annexing specified properties to the Community Facilities District No. 2005-1.

- * 10. **Adopt Resolution Summarily Vacating an Unnecessary Portion of S. Main Street for Roadway and Public Service Utility Easement Purposes (Staff Contact: Mehdi Khaila, 586-3328)**

Background: On November 15, 2005, City Council approved a 147-Unit residential development located on S. Main Street and Montague Expressway. To accommodate the development, the

City is considering vacation of part of S. Main Street for roadway and Public Service Utility Easement (PSUE) purposes as shown on the attached Exhibit "A" and "B." The portion of the roadway and PSUE which is proposed to be vacated has not been used for the purpose for which it was dedicated or acquired for the past five consecutive years. Therefore, it can be summarily vacated in accordance with the State Streets and Highway Code Section 8333(a). Utility Companies were notified and expressed no objection to the proposed vacation. A portion of the right-of-way to be vacated will be reserved as a public service and utility easement.

Recommendation: Adopt Resolution summarily vacating an unnecessary portion of S. Main Street for roadway and public service utility easement purposes.

*** 11. Adopt Resolution Granting Initial Acceptance: Reservoir Evaluation & Upgrade, Project No. 7091 (Staff Contact: Andrew Brozyna, 586-3315)**

Background: This project provided for upgrading to the Gibraltar and Ayer Reservoirs with mixing systems. The work involved installation of pipe manifolds and valve systems inside the reservoirs to improve water mixing and eliminate dead zones that will be susceptible to bacteria growth. The City Council awarded the project to San Jose Water Company on October 18, 2005. The project has been successfully completed, and staff recommends that Council grant an initial acceptance and authorizes the reduction of the contractor's faithful performance bond to 10% of the contract amount or \$32,138.52.

Recommendation: Adopt Resolution granting initial acceptance of Project No. 7091, subject to the one-year warranty period and reduction of the faithful performance bond to \$32,138.52.

*** 12. Adopt Resolution Granting Final Acceptance: Silicon Valley Intelligent Transportation System (ITS) Fremont-Milpitas Project, Project No. 4219 (Staff Contact: Greg Armendariz, 586-3317)**

Background: This project provided public improvements that installed fiber optic cable in new and existing conduit and 21 Closed Circuit TV (CCTV) cameras along the north-south corridor between Milpitas and the Fremont BART station along with installing video equipment in the Milpitas, Fremont, and San Jose Traffic Management Centers (TMC), which was initially accepted on November 2, 2004. These improvements have been satisfactorily inspected prior to expiration of the one-year warranty period. Therefore, it is recommended that the Council grant final acceptance and the contractor's bond may be released.

Recommendation: Adopt Resolution granting final acceptance of Project No. 4219 and release of the bond.

*** 13. Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminary Approval of the Annual Engineer's Report and Providing for Notice of Public Hearing: Landscaping and Lighting Maintenance Assessment District No 98-1, Sinclair Horizon, Project No. 9489 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 98-1, provides for servicing and maintaining the public landscaping along Sinclair Frontage Road, Los Coches and Berryessa Creeks abutting the Sinclair Horizon residential subdivision. On May 16, 2006, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 98-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 20, 2006, for a public hearing. Upon conclusion of the public hearing on June 20, 2006, and subsequent City Council approval of the Annual Engineer's Report, the assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Recommendation: Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminarily approving the Annual Engineer's Report and providing for the notice of public hearing.

- * 14. **Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminary Approval of the Annual Engineer's Report and Providing for Notice of Public Hearing: Landscaping and Lighting Maintenance Assessment District No 95-1, McCarthy Ranch, Project No. 9474 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: Landscaping and Lighting Maintenance Assessment District (LMD) No. 95-1, provides for servicing and maintaining the public landscaping and additional lighting along North McCarthy Boulevard and Ranch Drive Gateway Improvements. On May 16, 2006, the City Council directed the City Engineer to prepare an annual engineer's report for LMD 95-1. It is now necessary for the Council to preliminarily approve the Annual Report and set the date of June 20, 2006 for a public hearing. Upon conclusion of the public hearing on June 20, 2006, and subsequent City Council approval of the Annual Engineer's Report, the assessment for the work will be added to the tax bills for those property owners included within the boundaries of the District.

Recommendation: Adopt Resolution of Intention to Levy Assessment for Fiscal Year 2006-2007, Preliminarily approving the Annual Engineer's Report and providing for the notice of public hearing.

- * 15. **Adopt Resolution Granting Initial Acceptance: Avatamsaka Buddhist Lotus Society Project No. 3120 (Staff Contact: Mehdi Khaila, 586-3228)**

Background: The public improvements consisting of Sanitary and Storm Sewer, Water, Sidewalk, Curb and Gutter have been completed by the developer and satisfactorily inspected by the City. Therefore, this work is now ready for initial acceptance in accordance with the improvement agreement and commencement of City maintenance. The developer faithful performance bond may be reduced to \$12,500, which is 10% of the contract amount. The Labor and Materials Bond in the amount of \$125,000 shall remain in full force. However, if there are no outstanding claims on file with the City Clerk's Office after a period of six months after the date of initial acceptance, the bond may be released per Municipal Code XI-1-17.

Recommendation: Adopt Resolution granting initial acceptance of Project No. 3120, subject to a one-year warranty period and reduction of the faithful performance bond to \$ 125,000 and continue the labor and Material Bond in force.

- * 16. **Adopt A Resolution To Release Unclaimed Checks Per Standard Operating Procedure (Staff Contact: Dante Ong, 586 -3132)**

Background: According to City of Milpitas' Standard Operating Procedure No. 26-1, which conforms with California Government Code Section No. 50055, unclaimed checks of less than \$15, or any amount if the depositor's name is unknown, which remain unclaimed for more than one year may be transferred to the General Fund by the City Council. Included with the Council packet is a list of unclaimed checks of less than \$15 that remain unclaimed for that period.

Recommendation: Adopt Resolution to transfer a total of \$76.02 in unclaimed checks per the referenced list, to the General Fund in accordance with Standard Operating Procedure No. 26-1.

XXI. BIDS AND CONTRACTS

- * 17. **Reject Bids and Authorize the Re-Advertisement for bid Proposals: Sewer Deficiency and Structural Correction Program – Open Cut, Project No. 6073 (Staff Contact: Doug DeVries, 586-3313)**

Background: The program provides for the replacement of sewer main lines due to structural deficiencies, differential settlement, and damaged sewer lines discovered with the City's video inspection program. These sewer main lines require frequent maintenance and thus; replacement of these main lines will reduce the high operational maintenance cost. City Council, at its September 6, 2005 meeting, authorized advertisement for bid proposals in spring 2006.

The project advertised and two sealed bid proposals were opened on May 18, 2006 for \$1,156,880 and \$1,165,380. The lowest responsive bid of \$1,156,880 was from JMB Construction, Inc. The bid exceeded the Engineers Estimate by \$203,500, which is 21% above the estimate. The discrepancy between the low bid and the Engineers estimate was most likely due to a saturated construction market. There are a lot of backlogged work due to the long wet winter and sudden summer weather. There are insufficient funds in the project budget to award the contract. Additional funding from the sewer fund reserves is not available. Therefore, staff recommends rejecting all bids and repackaging the project with a reduced work scope and re-advertising for new bids.

Recommendation:

1. Reject all bids for Project No. 6073.
2. Authorize the re-advertisement of the project for bid proposals.

*** 18. Award the Bid for the South Main Street Plan Line Study to DKS Associates (Staff Contact: Chris Schroeder, 586-3161)**

Background: In September 2005, the Council approved the appropriation of \$150,000 from the Street Fund to complete a Plan Line Study for South Main Street and Abel Street between Great Mall Parkway and Montague Expressway. To complete the project, City staff prepared a Request for Proposals to solicit consultant proposals. Three consultant teams submitted proposals: Bellecci & Associates, DKS Associates, and HNTB Corporation. Consultant interviews were conducted on May 17 and 18, 2006 in order to select the preferred candidate. DKS Associates is the preferred candidate as they demonstrated extensive experience in streetscape design, community outreach, and in generating traffic impact fee guidelines. The study is anticipated to be completed by October 2006 and include an extensive community outreach process.

(There are sufficient funds available in Capital Improvement Project 4230, Main St. Plan Line Study for this work.)

Recommendation: Staff negotiated a price for the project with DKS Associates and recommends the City Manager be authorized to execute a contract to complete the project, subject to approval as to form by the City Attorney, for a not to exceed price of One Hundred Twenty Nine Thousand Three Hundred dollars (\$129,300).

*** 19. Approve the Agreement with Pyro Spectaculars for the Annual 4th of July Fireworks Display (Staff Contact: Chris Schroeder, 586-3161)**

Background: The Fourth of July is traditionally marked by a display of fireworks. There are only two Fireworks vendors in the Bay Area. With offices in Oakland, Pyro Spectaculars is the only full service provider of "PyromusicalTM" fireworks displays in the Bay Area. They are also the premier provider of pyrotechnic devices and aerial fireworks displays in the world. Based on their track record of excellence, safety, and custom designed set pieces and bright work, Pyro Spectaculars has been the vendor of choice for the Milpitas Fire Department and the City of Milpitas for the past eight years. Staff is requesting that these services be purchased as a sole source procurement, as sanctioned in section I-2-3.09 of the Milpitas Municipal Code.

(There are sufficient funds available in the Recreation Services Special Events account for this purchase.)

Recommendation: Authorize the City Manager to execute the contract with Pyro Spectaculars, subject to approval as to form by the City Attorney, in an amount not to exceed \$20,000.

- * 20. **Award the Bid for Pedestrian Countdown Signals to Western Pacific Signal, LLC (Staff Contact: Chris Schroeder, 586-3161)**

Background: On May 10, 2006, staff went out for bids for Pedestrian Countdown Signals for use at various locations around the City. Bids were advertised in the Post, mailed to three (3) vendors on the City's vendor data base, and posted on the City's website. All three (3) vendors responded and are summarized below.

Western Pacific Signal, LLC	\$42,044.30
Advanced Traffic Products, Inc.	\$60,139.37
JAM Services, Inc.	\$49,795.00

(There are sufficient funds available in Capital Improvement Project No. 4173 Audible Pedestrian Signal Program and Capital Improvement Project No. 4167, Traffic Signal Modifications for this work.)

Recommendation: Award the bid for Pedestrian Countdown Signals to Western Pacific Signal, LLC for the not to exceed amount of \$42,044.30.

- * 21. **Approve the Agreement with Kimley-Horn & Associates, Inc. for "On Call" Traffic Engineering Services (Staff Contact: Chris Schroeder, 586-3161)**

Background: The City of Milpitas conducted consultant interviews in November 2005 to create a candidate list of consultant to use for varying engineering projects. Kimley-Horn & Associates participated in the interviews at that time and was identified as one of the two qualified traffic engineering consultant firms. Specifically, Kimley-Horn demonstrated extensive experience in completing traffic studies and design, including traffic signal interconnect and traffic management projects.

This contract is to provide an On-Call Services contract with Kimley-Horn to provide additional staff support on projects over the next fiscal year. Kimley-Horn's experience with interconnect projects will be utilized immediately to complete the design of the Milpitas Communications Enhancement Project approved by Council in April.

(Funding for this work is available in various Capital Improvements budgets, Project No. 4323 Milpitas Communication Enhancements, Project No. 8093 Telecommunication Infrastructure, and Project No. 4189 Traffic Signal Interconnect.)

Recommendation: Authorize the City Manager to execute the contract with Kimley-Horn & Associates, Inc., subject to approval as to form by the City Attorney, in an amount not to exceed \$100,000.00 for "On Call" Traffic Engineering services.

- * 22. **Authorize City Manager to Execute Three-Year Contract Agreement With the City of San Jose Animal Control Services for the City of Milpitas (Staff Contact: Felix Reliford, 586-3071)**

Background: At its meeting June 6, 2000, City Council directed staff to negotiate with the City of San Jose to provide animal control services for the City of Milpitas. In the past, the Humane Society of Santa Clara Valley provided the City with these services, however, not since the enactment of SB 1785 by the State of California, which requires longer holding periods for animals before being euthanized. The Board of Directors of the Humane Society decided that due to the additional requirements imposed by SB 1785, they would no longer provide animal control services. Instead, effective July 1, 2001, the Humane Society became an adoption agency only.

Since July 1, 2001, the City of San Jose has provided the City of Milpitas with Animal Control Services. The Council is advised that the new San Jose animal shelter facility (2750 Monterey Road, near the County Fairgrounds) has been operational for the past year.

The proposed Animal Control Services contract agreement is a three-year contract from July 1, 2006 until June 30, 2009. The cost of the three-year contract agreement is \$624,551: \$201,390/ FY 2006-2007, \$207,323/FY 2007-2008, and \$215,729/FY 2008-2009. Staff has budgeted appropriate funds to cover these costs. The amount of the contract agreement has increased 6% from the previous year (\$189,991). City of San Jose determines costs based on costs-of-living index, human population increase and future development. Currently, Milpitas enjoys one of the lowest per-capita rates for Animal Services in the region.

Animal Control Services

The animal control services provided by City of San Jose includes the following:

- Field Services-Pick up dead and injured animals, confining stray animals, response to emergency calls, investigating complaints, respond to police assistance;
- Response Time Performance Standards-Priority 1, 2, 3 and 4 calls, and responding to after business hour calls;
- Sheltering Services-Sheltering abandon, impounded, lost or stray animals, quarantine of biting animals, rabies testing of suspect animals, provisions for surrender and claim animals of abandoned, lost of stray, euthanization and disposal of abandoned, lost or stray animals;
- Medical Services-Provisions for veterinarian services 24 hours per day to treat and provide veterinarian care to stray, injured or sick animals;
- Dead Animals Services-Pick up dead animals between the hours of 5:00 to 7:00 p.m. (Note: During the hours of 7:00 a.m. to 5:00 p.m. City of Milpitas Public Works staff provides Dead Animal Services.)

The City of San Jose provides the City of Milpitas with Quarterly Reports. To date, staff has not received any complaints regarding the level of animal control services provided by the City of San Jose.

Included in the Council's agenda packet is a copy of the Animal Control Services contract agreement with the City of San Jose and Milpitas Call Response Times report.

Recommendation: Authorize City Manager to execute three-year contract agreement with the City of San Jose to provide Animal Control Services in the amount not-to exceed \$624,551 for FY 2006-2009, subject to approval as to form by the City Attorney.

*** 23. Authorize City Manager to Execute Contract Agreement with Wildlife Center of Silicon Valley for Animal Control Services (Staff Contact: Felix Reliford, 586-3071)**

Background: Since the establishment of the previous Cost Sharing Agreement in October 1993, the cities within Santa Clara County have received animal wildlife services free of charge from the Wildlife Center of Silicon Valley (WCSV). Wildlife animals were dropped off at the Humane Society and held until the Wildlife Center staff transports them to their center for care and treatment. The animals are then released back into the wild.

Because of the lack of funding, Wildlife Center of Silicon Valley, Board of Directors decided several years ago (effective September 1, 1999), to eliminate free services to those cities that have chosen not to pay for them. Contracts from cities represent only 17% of WCSV budget; the balance is obtained via grants, memberships and fundraising revenues.

Each City bears its proportionate share of the costs of the rehabilitation services. The Wildlife Center received 152 animals from Milpitas residents in the past year. The total cost of these services has not changed from last year: \$6,336.

Included in the Council's agenda packet are the contract agreement and a letter from the Wildlife Center of Silicon Valley.

Recommendation: Authorize the City Manager to execute a contract agreement with Wildlife Center of Silicon Valley to provide wildlife services in the amount not-to-exceed \$6,336, subject to approval as to form by the City Attorney.

*** 24. Approve Subdivision Improvement Agreement, Final Map and Public Improvement Plans For Centria, Tract No. 9773, Project No. 3178 (Staff Contact: Mehdi Khaila, 586-3328)**

Background: This 464-unit multi family residential development will be served by public utilities located within the proposed public streets and easements. The final map and improvement plans are ready for approval. Copies of the Subdivision Improvement Agreement and excerpts of the final map and improvement plans are included with the Council agenda packet. A complete set of the final map and improvement plans are available for review in the office of the City Engineer.

Recommendation:

1. Approve public improvement plans and final map.
2. Authorize the City Manager to execute the secured Subdivision Improvement Agreement subject to the approval of the City Attorney as to form.

XXII. CLAIMS AND DEMANDS

*** 25. Approve Payment Requests to Two Vendors (Staff Contact: Chris Schroeder, 586-3161)**

Background: In accordance with Ordinance No. 23.10 of the Municipal Code, Purchasing has prepared the following list of purchasing requests over \$20,000.00 for approval.

1. \$49,421.54 to National Meter and Automation, Inc. for the purchase of 262 assorted Badger water meters. Seven years ago, the City went out to bid for water meters and Badger was the only company that could meet our specification for quality, service, and anti-tampering prevention. Badger has been the City's standard brand of choice since then. National Meter and Automation, Inc. is the sole authorized distributor of Badger meters for California. Staff is requesting that the equipment be purchased as a Sole Source procurement as sanctioned in section I-2-3.09 of the Milpitas Municipal Code. (Funds are available from Public Works Utilities Capital Outlay Budget for this purchase.)
2. \$28,908.00 to Empire Maintenance Services of janitorial services for the Milpitas Engineering Special Projects Section offices at 82 N. Main St. This is a change order adding services to the original contract at the rate of \$9,636.00 annually for three (3) years. (Funds are available from Capital Improvement Project No. 8154 for these services.)

Recommendation: Approve the two payment requests.

XXIII. ADJOURNMENT

**SPECIAL CITY COUNCIL MEETING
TUESDAY, JUNE 13, 2006 AT 6:00 P.M.**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING
TUESDAY, JUNE 20, 2006, AT 7:00 P.M.**